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Security Council

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GENERAL

S/1996/249
4 April 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 4 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to refer to the letter dated 29 March 1996 addressed to you by the Acting Minister for Foreign Affairs of the Iraqi regime (S/1996/230) alleging that Kuwait has recruited a number of Iraqi nationals to carry out acts of sabotage and terrorism for the purpose of undermining security and stability in Iraq.

While fully confident that no one will believe such lies, given that they emanate from an Iraqi regime whose record in dealing with States and international and regional organizations attests to the fact that it has lost all credibility, Kuwait nevertheless rejects these charges and allegations as no more than figments of the imagination or inept fabrications.

These allegations represent nothing so much as the latest in a series of attempts by the Iraqi regime to divert attention from the worsening internal problems that beset the Iraqi people as a result of that regime's oppressive policies. The policy of levelling accusations at outside parties and fabricating problems and crises is one that it has long been the custom of the Iraqi regime to pursue.

Kuwait's external policy is marked by its commitment to the principles enshrined in the Charter of the United Nations, in particular that of non-interference in the internal affairs of other States.

An aspect of the matter that causes us concern and prompts us to call for circumspection and caution is that the letter claims that Kuwait has been planning to carry out acts of sabotage against the United Nations Iraq-Kuwait Observation Mission (UNIKOM). We believe, on the basis of the experience we have had of the schemes entertained by this regime, that this accusation may have been made in order to prepare the way for it to take some kind of action against UNIKOM and then lay the blame on Kuwait.

Accordingly, we once more reiterate our utter rejection of such lies, and we call upon the Iraqi regime to comply with all the Security Council resolutions relating to its aggression against the State of Kuwait with a view

to achieving security and stability in the Gulf region and mitigating the suffering of a people that has endured much because of that regime's erroneous policies and miscalculations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

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S/1996/250
8 April 1996

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the communiqué on the signing of the Agreement on the regulation of relations and the promotion of cooperation between the Federal Republic of Yugoslavia and the Republic of Macedonia, at Belgrade, on 8 April 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

96-08583 (E) 080496 090496

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Annex

Communiqué on the signing of the Agreement on the regulation of relations and the promotion of cooperation between the Federal Republic of Yugoslavia and the Republic of Macedonia, Belgrade, 8 April 1996

The Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, Milan Milutinovic, and the Minister for Foreign Affairs of the Republic of Macedonia, Ljubomir Frckoski, signed the Agreement on the regulation of relations and the promotion of cooperation between the Federal Republic of Yugoslavia and the Republic of Macedonia in Belgrade today.

By this act, the two sides expressed the deepest interests of their peoples to live in peace, mutual understanding and good-neighbourliness. The Federal Republic of Yugoslavia and the Republic of Macedonia render in this way an important contribution to the strengthening of the peace process, as well as to the building of confidence, stability and good-neighbourliness in the Balkans and Europe. By the signing of this Agreement, the Federal Republic of Yugoslavia and the Republic of Macedonia establish full diplomatic relations at the ambassadorial level and create conditions for the comprehensive development of mutual relations and cooperation.

The two countries agreed to build their relations on the principles of equality, non-interference in internal affairs and respect for sovereignty, independence and territorial integrity, in accordance with the principles of the Charter of the United Nations and the document of the Organization for Security and Cooperation in Europe.

The Republic of Macedonia accepted the state continuity and international legal personality of the Federal Republic of Yugoslavia. An agreement was also reached that the Federal Republic of Yugoslavia and the Republic of Macedonia solve the question of the succession of the former Yugoslavia by agreement.

Particular emphasis was placed on the interest of the two countries in strengthening and intensifying economic cooperation in all fields. It was agreed to begin immediate negotiations on concluding an agreement on economic cooperation and trade, aimed at developing comprehensive and mutually beneficial economic and trade relations. The two sides will also solve by agreement, on the basis of reciprocity, the question of physical persons and legal entities.

Agreement was reached on the promotion of road, rail and air traffic, of PTT and other communications, as well as on mutual restraint from imposing any impediments to the movement of people and goods between the two countries. Cooperation has been envisaged in the field of health, preservation and protection of the environment and, in particular, in the elimination of all forms of transboundary pollution and the coordination of strategies and programmes for regional and international cooperation in the field of the protection of the environment.

The Agreement provides for the protection of the Serbs in the Republic of Macedonia, as well as of the Macedonians in the Federal Republic of Yugoslavia, preservation and maintenance of monuments of the culture and historical heritage of the two peoples, which will be a subject of separate agreements.

The two sides agreed to set up a joint, diplomatic-expert commission that will prepare a draft international agreement with a textual description of the extension of the common state border.

It was mutually assessed that, following the signing of this important document, the Federal Republic of Yugoslavia and the Republic of Macedonia will enter a period of dynamic development of relations and cooperation, on the basis of traditional friendship, good-neighbourliness and mutual interests.

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A/51/95
S/1996/251
8 April 1996

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GENERAL ASSEMBLY
Fifty-first session
Item 20 of the preliminary list*
ADMISSION OF NEW MEMBERS TO
THE UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 5 April 1996 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to draw your attention to our concerns regarding the recent publication by the United Nations entitled "Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties". The section of that Summary entitled "Participation by succession" contains, in paragraph 297, language suggesting that the Federal Republic of Yugoslavia (Serbia and Montenegro) constitutes the continuation of the former Socialist Federal Republic of Yugoslavia. To the extent that the Summary could be so construed, we object to any such suggestion. We also note that the paragraph in fact contains no actual discussion of depositary practice as it relates to the Federal Republic of Yugoslavia (Serbia and Montenegro).

It has been the consistent position of my Government that the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents the continuation of the Socialist Federal Republic of Yugoslavia. This position is fully consistent with relevant United Nations Security Council and General Assembly resolutions as well as with the opinions of the Arbitration Commission of the Conference for Peace in Yugoslavia.

In Security Council resolution 777 (1992) of 19 September 1992, the Council considered that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", and the Council recalled its resolution 757 (1992) of 30 May 1992, in which it stated that "the claim by the Federal

* A/51/50.

Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted". In these circumstances, the Council considered that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations", and it recommended to the General Assembly that "it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations". In General Assembly resolution 47/1 of 22 September 1992, the Assembly responded to the Security Council's recommendation and decided that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations".

Recently, in Security Council resolution 1022 of 22 November 1995, the Council confirmed with regard to the State formerly known as the Socialist Federal Republic of Yugoslavia "that that State had ceased to exist".

Opinions rendered by the Arbitration Commission of the Conference for Peace in Yugoslavia also support the position that the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents its continuation. In opinion number 8 of 4 July 1992, the Arbitration Commission concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia ... is now complete and that the Socialist Federal Republic of Yugoslavia no longer exists". In opinion number 10 of the same date, the Arbitration Commission stated that "none of the resulting entities could claim to be the sole successor to the Socialist Federal Republic of Yugoslavia" and, specifically, that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia".

Accordingly, in so far as the language in paragraph 297 of the Summary is inconsistent with the legal situation described, my Government wishes to make clear our firm objection. Our expression of views on this particular matter should not be understood as implying a position with respect to any other aspects of the Summary.

We should be grateful if you would have this letter circulated as a document of the General Assembly under agenda item 20 of the preliminary list and as a document of the Security Council.

(Signed) Madeleine K. ALBRIGHT

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8 April 1996

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LETTER DATED 8 APRIL 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF GUINEA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Ambassador Engin A. Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, during the Council's discussion of the item entitled "The situation in Afghanistan".

(Signed) Aboubacar DIONE
Chargé d'affaires a.i.

96-08552 (E) 080496 090496

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Security Council

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GENERAL

S/1996/253
8 April 1996

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a statement by the spokesman of the Panmunjom Mission of the Korean People's Army dated 4 April 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

96-08558 (E) 080496 090496

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Annex

Statement by the spokesman of the Panmunjom Mission of the Korean People's Army

Panmunjom, 4 April 1996

The First Vice-Minister of the People's Armed Forces, in his statement on 29 March, made clear that the Korean People's Army would take legitimate self-defensive steps to cope with the ill-boding military moves which had become frequent in areas south of the military demarcation line (MDL), reminding one of a situation on the brink of war.

We put forward reasonable proposals long ago to turn the demilitarized zone (DMZ) into a peace zone, a buffer zone, and to prevent war in the Korean peninsula, and have exerted patient efforts to put them into effect.

However, the south Korean authorities have persistently rejected our proposals and driven the situation to the brink of war under the protection of their master, the United States, so that we can no longer expect a negotiated solution.

The armistice agreement stipulates that heavy and automatic weapons shall not be brought into DMZ and in no case shall the total number of military personnel from each side who are permitted to enter DMZ exceed 1,000. But the south Korean military authorities, ignoring the agreement, have brought many tanks, various kinds of artillery pieces and heavy weapons into DMZ and deployed a large number of armed military personnel.

They have even openly built large military facilities at the Oryonggye post in DMZ only 100 metres from MDL.

The areas south of MDL have been left without the real meaning of a buffer zone and DMZ established under the armistice agreement has turned into an armed zone and a new attack position for the invasion of the north.

This situation has made us no longer observe unilaterally the articles of the armistice agreement concerning DMZ.

There is a limit to our restraint and patience.

The Panmunjom Mission of the Korean People's Army is authorized to announce that the following self-defensive measures will be taken immediately now that the status of DMZ cannot be maintained any longer:

First, the Korean People's Army side shall give up its duty, under the armistice agreement, concerning the maintenance and control of the military demarcation line and DMZ;

Secondly, the Korean People's Army side shall, as a follow-up step to the first measure, have its personnel and vehicles bear no distinctive insignia and marking when they enter the joint security area of Panmunjom and DMZ.

The responsibility for the measures we cannot but take lies with those who have flagrantly violated the armistice agreement and the order in DMZ.

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S/1996/254
8 April 1996

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a press release issued by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia on 8 April 1996, concerning the implementation of Security Council resolution 1044 (1996).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mulugeta ETEFFA
Ambassador
Permanent Representative

96-08577 (E) 080496 090496

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Annex

Press statement issued by the Ministry of Foreign Affairs on 8 April 1996 on the implementation of Security Council resolution 1044 (1996)

The failed assassination attempt on the Egyptian President on 26 June 1995 in Addis Ababa, Ethiopia, was a serious crime. Not only because a head of State was the target, and not only because it involved the violation of Ethiopia's sovereignty, but also because it was a State-sponsored terrorist act. The fact that the Sudanese authorities were involved in the plot and that the security organs of the Sudanese Government were implicated in the crime is, by now, in no doubt.

It was after having been convinced that the Sudan still harbours three of the terrorists, including the leader of the group, that the Security Council adopted resolution 1044 (1996) calling on the Sudan, among other things, to hand over these suspects to Ethiopia. The Sudan was given 60 days to comply with the resolution. It is now clear that by the end of March, which marks the end of the deadline, the Sudan has not yet complied with the request of the Security Council. That is why the Council is at the moment considering what steps to take to put increased pressure on the Government of the Sudan to secure compliance with its demand.

Ethiopia's position is that the maximum pressure should be brought to bear on the Sudanese authorities - authorities who were involved in the crime - to compel them to respond positively to the requests contained in resolution 1044 (1996). Ethiopia is also convinced that whether or not the Sudanese authorities will comply with the demands of the Council will depend on how clearly and strongly the Council sends the necessary message that it will no longer put up with the defiance of the Sudanese authorities.

Obviously, the pressure being applied by the Security Council is on the Sudanese authorities, and not on the Sudanese people. It is the Sudanese regime that sponsored the heinous crime and it should always be the target. That is also what Ethiopia has been calling for.

But Ethiopia is not a member of the Security Council and as such it is not in a position to have direct and meaningful impact on the decision of the Council. Therefore, it will await the outcome of how the Council will discharge its heavy responsibility regarding an issue that involves the discovery of a country being engaged in sponsoring terrorism in a clear and naked manner.

On the other hand, it is Ethiopia's conviction that it has indeed discharged its responsibility fully and with honour. It has made the necessary effort at the bilateral level. When that did not work it took the matter to the Organization of African Unity (OAU). When the Sudanese authorities showed disrespect for the OAU, Ethiopia decided to refer the matter to the Security Council - an organ of the United Nations with primary responsibility for international peace and security - with the conviction that the Council would brook no attempt by any country to resort to the laws of the jungle.

As such, at this point in time the issue of Sudanese involvement in the assassination attempt against President Mubarak is not an Ethiopian issue, but rather a grave issue that the Security Council and the international community have to grapple with. Ethiopia is very proud of what it has done so far to ensure that the crime committed by Sudanese authorities is brought to light and is referred to the appropriate regional and international bodies. It has thus discharged its responsibilities fully and completely. It is for others now to discharge their responsibilities likewise for their credibility is on the line.

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9 April 1996

ORIGINAL: ENGLISH

LETTER DATED 8 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government I have the honour to enclose herewith a copy of a note dated 28 March 1996 from the Ministry of Foreign Affairs of the Republic of the Sudan to the Ethiopian Ministry of Foreign Affairs, conveying the protest of the Government of the Sudan in the strongest terms regarding the flagrant and massive attacks by Ethiopian forces against the territories of the Sudan on 17 and 23 March 1996.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Ali M. O. YASSIN
Permanent Representative

96-08652 (E) 090496 100496

/...

Annex

Letter dated 28 March 1996 from the Ministry of Foreign Affairs of the Sudan to the Ministry of Foreign Affairs of Ethiopia

The Ministry of Foreign Affairs of the Republic of the Sudan presents its compliments to the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, and is duty bound to convey to the latter, in the strongest terms, the protest of the Government of the Sudan regarding the serious course recently opted for by Ethiopia that culminated in the flagrant and massive attacks by its forces, with tanks, heavy artillery and other support weapons and equipment, against both the Sudanese garrison at Yaboos and the town of Fashalla, on 17 and 23 March 1996, respectively, and their subsequent hand-over to the Sudanese rebel forces in an old-styled collaboration.

The Government of the Sudan has repeatedly, and over past months, brought to the attention of the Ethiopian Government, to no avail, several cases of attacks and violations perpetrated and carried out by its armed forces against various positions and towns inside the Sudanese territory that resulted in the invasion and occupation of some of the positions, as in the case of Taya in January 1996, let alone the casualties and loss of lives, kidnapping of individuals, intimidation of Sudanese farmers, wide-scale looting a[illegible] destruction of property.

The recent Ethiopian attacks have clearly been marked by open and joint operations with the Sudanese rebel forces. The regrouping of the rebel forces in western Ethiopia and ongoing build-up of Ethiopian troops in their support reveal the ill intentions and designs against the southern Blue Nile and northern Upper Nile regions and threaten with serious consequences the situation along the entire joint border.

In outlining the foregoing serious developments, the Ministry of Foreign Affairs is convinced that mere denials by Ethiopia will not serve the purpose of averting a situation that can have catastrophic implications for the peace and stability of the whole region. The active collaboration between Ethiopia and the rebel forces that has once been recorded in video tapes and presented to Ethiopia and other concerned parties in May 1995 as material evidence confirms that necessary lessons from past Ethio-Sudanese relations should be drawn.

While reiterating its commitment to good neighbourliness, the Sudan demands that Ethiopia desist from current policies and practices of destabilization against the Sudan which will not serve the interests and objectives of normal relations between the two countries and peoples.

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9 April 1996
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ORIGINAL: ARABIC

LETTER DATED 9 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that, during the period from 1 to 15 March 1996, United States, British and French aircraft continued to violate Iraqi airspace, carrying out surveillance operations and engaging in provocation. The details are as follows:

1. In the northern region 115 sorties were flown, at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Mosul, Irbil, Dohuk, Zakho, Aqrah, Amadiyah and Tall Afar.

2. In the southern region 747 sorties were flown, at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Jalibah, Artawi, Busayyah, Qurnah, Chabayish, Ushbayjah, Qal'at Salih, Basra, Salman, Amarah, Shanafiyah and Lasaf.

3. On 21 occasions United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated the airspace of the Republic of Iraq in the southern region, then left in the direction of Kuwait.

4. At 1323 hours on 19 March 1996 a hostile formation broke the sound barrier 25 kilometres south of Qal'at Salih.

You are requested to intervene with the countries in question with a view to bringing a halt to such actions, which, being flagrant violations of the Charter of the United Nations and the norms of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and have caused serious material damage to private and public property. The Republic of Iraq affirms its right to seek lawful compensation for the damage being inflicted on the Republic of Iraq and its people.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Security Council

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GENERAL

S/1996/257
10 April 1996

ORIGINAL: ENGLISH

LETTER DATED 10 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letters dated 2 April 1996 (A/50/916-S/1996/233) and 3 April 1996 (A/50/915-S/1996/235), in my capacity as Chairman of the Arab Group for this month and on behalf of its members, I have the honour to request the Security Council to meet in an urgent formal session in order to consider the serious situation in the occupied Palestinian Territory, including Jerusalem.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative of
the United Arab Emirates to
the United Nations
Chairman of the Arab Group

96-08860 (E) 100496 110496

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Security Council

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S/1996/258
11 April 1996

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

2. The present report is the first report by the Executive Chairman of the Special Commission following the adoption of Security Council resolution 1051 (1996) of 27 March 1996, in which, in paragraph 16, the Council called for the consolidation of the reports required under the Council's resolutions 699 (1991) of 17 June 1991 and 715 (1991) of 11 October 1991. 1/ It covers the period since the last reports under those resolutions.

3. Further information concerning developments since the last report submitted under resolution 715 (1991) is contained in the report to the Security Council of 17 December 1995 (S/1995/1038).

Notes

1/ The Commission's 18 previous reports are: S/23165, S/23268, S/23801, S/24108 and Corr.1, S/24661, S/24984, S/25620, S/25977, S/26684, S/26910, S/1994/489, S/1994/750, S/1994/1138 and Corr.1, S/1994/1422 and Add.1, S/1995/284, S/1995/494, S/1995/864 and S/1995/1038.

96-08953 (E) 120496 160496

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Annex

Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)

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I. INTRODUCTION

1. The present report is the first consolidated report by the Special Commission following the adoption of resolution 1051 (1996) of 27 March 1996, in which the Council called for a change in the Commission's reporting requirements. Prior to the adoption of that resolution, the Commission was required to submit six-monthly reports under the terms of both resolutions 699 (1991) of 17 June 1991 and 715 (1991) of 11 October 1991. These reports focused respectively on Iraq's proscribed weapons programmes and the implementation of the Commission's monitoring and verification plans. The new system of reporting requires the Commission to produce a consolidated report covering all aspects of its work, under resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991 and 1051 (1996).

2. The Commission wishes to make clear that while the formal requirement to report to the Security Council has been reduced, it will, as in the past, report to the Council on an ad hoc basis if developments so require.

3. The work of the Commission in the period under review, 17 December 1995 to 11 April 1996, has covered the whole range of activities envisaged under the resolutions listed above.

4. There has been progress on many fronts and the Commission is certainly nearer to the completion of its task in respect of accounting for and disposing of Iraq's proscribed programmes. While the general trend has been positive, there have been some setbacks. Both will be discussed.

II. DEVELOPMENTS

5. Since the Commission's report to the Security Council of 17 December 1995 (S/1995/1038), it has made considerable progress towards the accomplishment of the two tasks entrusted to it through resolution 687 (1991). With respect to the first, the identification and disposal of all chemical and biological weapons and all stocks of agents and related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometres and related major parts and repairs and production facilities, the task has still not been fully accomplished, even if large quantities of these items have been successfully eliminated. Thus, relatively minor, but highly significant, quantities remain unaccounted for. The Commission is, therefore, concerned that Iraq may still be engaged in proscribed activities.

6. With regard to the second task, the creation and activation of a system of ongoing monitoring and verification of Iraq's compliance with its obligation not to reacquire the proscribed items, the final building block of a multi-layered control mechanism to detect any re-emergence of the weapons denied to Iraq, an export/import control mechanism has been put in place. With Council resolution 1051 (1996), the Commission has been given a necessary tool for the monitoring of Iraq's activities and a major step towards the final implementation of the weapons provisions of the cease-fire resolution has been taken.

7. It has to be recalled that Iraq, as late as August 1995, admitted officially that, since the outset of the existence of the Commission, it had been withholding important information from the Commission. The question to be answered in this report is whether Iraq, since the admission in 1995 of non-compliance, has changed its earlier practice. During the months since August 1995, following the departure from Iraq of Lieutenant General Hussein Kamel, the former Minister of Industry, leader and organizer of Iraq's various weapons of mass destruction programmes, Iraq has released a large amount of information that has both confirmed many of the Commission's earlier observations based upon its analytical work, and brought to light earlier unknown documents of significance for the clarification of Iraq's acquisition of weapons of mass destruction. The Commission has obtained new information related to Iraq's attempts to acquire advanced chemical and biological weapon capabilities, as well as long-range missile systems with ranges of up to and over 2,000 kilometres. The method applied by the Commission to enable it to determine whether any proscribed items are retained is to establish for each of the weapons categories a material balance between what of these items Iraq has acquired through import or production on the one side, and what has been disposed of through use or destruction on the other. In accordance with resolutions 687 (1991) and 707 (1991), Iraq is obliged to immediately provide full, final and complete disclosures of proscribed weapons programmes. It is for the Commission to verify these disclosures. As Iraq admitted in 1995, its full, final and complete disclosures over a number of years have been deliberately misleading. In contrast, recent draft full, final and complete disclosures handed over to the Commission for a preliminary scrutiny have shown a marked improvement.

8. The Commission welcomes the demonstrated willingness by the Iraqi authorities to disclose information, particularly in the missile field, pertaining to the foreign suppliers to its proscribed weapons programmes and hopes for the active continuation and acceleration of this policy. The Commission expects Governments to provide the utmost support to the Commission's investigations in order for it to verify speedily Iraq's declarations.

9. However, since mid-February 1996, the quality of the information provided by Iraq and the stream of documents have diminished. The Commission hopes that this and the recent problems associated with the Commission's inspection UNSCOM 143, does not indicate a return to the non-cooperative attitude demonstrated by Iraq prior to the summer of 1995.

10. In all areas for which the Commission has responsibility, Iraq has yet to provide sufficient evidence that it does not still possess proscribed weapons or materials related to them. The Commission's concerns stem particularly from the difficulties encountered in substantiating Iraq's claims that, in 1991, in flagrant violation of its obligations under resolution 687 (1991), it secretly destroyed large quantities of these prohibited weapons and materials instead of declaring and handing them over for the Commission's verification. Iraq now claims that the major part of its proscribed missile systems and missile components, the most advanced capabilities in the chemical weapons area and all biological weapons had been so destroyed.

11. Iraq has recently admitted that the unilateral destruction had been carried out in order to down-size its proscribed programmes. Thus, according to Iraq, items were partially or totally concealed and all materials relevant to their existence were unilaterally obliterated as it was believed that their revelation would complicate matters and prolong the process with the Commission. However, such actions, on the part of Iraq, have, on the contrary, made the Commission's and Iraq's task much more difficult and have delayed its completion. Iraq must now provide solid evidence on the list of proscribed items involved and on their actual destruction.

12. In the absence of documents or actual evidence that biological and chemical weapons and missiles and launchers were actually destroyed, the Commission continues to encounter great difficulties in establishing the material balance. In order to remove this obstacle for a report to the Council that no prohibited items remain in Iraq, the Commission has launched search inspections, like the most recent UNSCOM 143. The more regrettable it is that the Iraqi authorities have chosen to hinder and delay the effective execution of the inspection and thus prevent the Commission to clear Iraq from suspicions that it is still hiding items of significance. The clear reaction by the Council to the latest incidents will hopefully encourage the Iraqi authorities not to hold to the obstructionist actions demonstrated in the recent incidents. The Commission must continue to seek information from Iraq and from other sources, including continuous inspections to ascertain that no prohibited weapons capabilities exist in Iraq anymore. It will continue to seek the cooperation of Iraq in this process and expects the Iraqi authorities to be forthcoming. particularly by providing additional documentation, which the Commission is convinced Iraq still retains

13. The Commission noted with interest the speech made by President Saddam Hussein on 6 January 1996, the occasion of the seventy-fifth anniversary of the founding of the Iraqi Army. In that "Army Day" speech, the President instructed the Iraqi people, each in their own way, to do their best to respond to the legal requests that flow from the relevant Council resolutions concerning Iraq. The Commission believes this to be the first time that the President of Iraq has spoken publicly on this issue. The Commission trusts that, under this guidance, Iraqi officials will improve their cooperation.

14. The Commission remains concerned about Iraq's procurement of prohibited and dual-use items from abroad. The Commission notes especially the elaborate system for the acquisition of components and machine tools for Iraq's missile production efforts. This emphasizes the need to have a firm ongoing monitoring and verification system present in Iraq and an early implementation of the export/import mechanism, adopted by the Security Council in its resolution 1051 (1996). In the area of monitoring, Iraq has still not enacted the national implementation measures which it is required to take. The monitoring and verification system cannot become fully operational before this legal framework is in place.

Consultations with Iraq

15. The Commission held a plenary session with senior Iraqi officials on 19 December 1995 under the direction of the Executive Chairman. General Amer Al Sa'adi, a senior adviser in the office of President Saddam Hussein, led for Iraq. During the talks, the Commission expressed its appreciation of the fact that documents supporting Iraq's declarations continued to be supplied to the Commission and encouraged Iraq to continue to do so. Some important progress was made in furthering the Commission's understanding of Iraq's proscribed weapons programmes.

16. The Deputy Executive Chairman visited Baghdad during the period from 7 to 11 March 1996. During the visit, he had discussions with General Amir Rashid, General Amer Al Sa'adi and other Iraqi officials concerning the overall status of the Commission's work. The need for the provision of verifiable information by Iraq was emphasized once again. Furthermore, the Deputy Chairman reviewed a number of operational matters with the Iraqi authorities, noting that in many areas much progress had been made. While there had been progress in many areas, he cautioned that stricter compliance with monitoring requirements was needed.

17. The Iraqi side reconfirmed its commitment to full cooperation with the Commission. However, it is worth noting that, shortly after the Deputy Chairman's final meeting with senior Iraqi officials, the Iraqi authorities for a second time delayed the Commission team UNSCOM 143 from entering a site to be inspected.

Inspection rights

18. During the reporting period, the Commission conducted a number of inspections in Iraq. Iraq has, in most cases, complied with its obligations. In this respect, the Commission would like to draw attention to the cooperation shown by Iraq in the execution of the UNSCOM 129 inspection (fully discussed in paras. 61-63). The Commission must record with deep concern the unacceptable behaviour of the Iraqi authorities in respect of recent inspections by the Commission (UNSCOM 143). Over the period from 8 to 17 March 1996, the UNSCOM 143 team visited Iraq and inspected a number of facilities suspected of being involved in efforts by Iraq to conceal items that should be declared to the Commission. A first incident of denial of entry took place on 8 March.

19. The Chairman briefed the Council during the afternoon of 8 March, and again in the evening, on events on the ground. The President of the Council later made a statement to the media on the events and the discussions in the Council. He also called in Iraq's Permanent Representative to the United Nations, to express the Council's concern at Iraq's failure to comply with its obligations.

20. During the night of 8 March, the Chairman had repeated contacts by phone with the Deputy Prime Minister of Iraq, Mr. Tariq Aziz. The Chairman devised modalities for this inspection. The team was able to enter the facility to be inspected after more than 17 hours delay.

21. On the morning of 9 March, the Chairman, in a letter to the Council (S/1996/182), gave an account of the events that had occurred during 8 and 9 March.

22. On 11 March, following the successful conduct of four other inspections, the UNSCOM team was once again denied immediate access to a facility designated for inspection. Renewed consultations between the Chairman and Mr. Tariq Aziz brought this stand-off to an end, but not before the team had been prevented from entering for a period of 12 hours.

23. On 12 March, the members of the Council agreed to a letter (S/1996/183) in response to that from the Chairman of 9 March expressing concern at Iraq's behaviour and unacceptable delays in granting access to sites designated by the Commission in accordance with its mandate. The letter stated that Iraq's actions were a clear violation by Iraq of the provisions of resolutions 687 (1991), 707 (1991) and 715 (1991). Despite this action by the Council, two further stand-offs occurred at sites outside Baghdad on 14 March. These two stand-offs lasted some three hours each.

24. Another serious situation developed on 15 March when the inspection team was again delayed, this time for four hours, before being granted access to a location designated for inspection. Access was only granted when the inspection team made it clear that it was ready to abort the inspection and leave the location. On 18 March, the Chairman briefed the Council on the overall conduct of the mission, stressing that Iraq, five times during the UNSCOM 143, had violated its obligations under the Council's resolutions to grant immediate, unrestricted and unconditional access to all locations designated for inspection by the Commission. At this occasion, the Council received a letter dated 17 March from the Deputy Prime Minister of Iraq to the President of the Council (S/1996/204, annex) in which the Deputy Prime Minister stated that Iraq had no intention of impeding the tasks of the Commission in Iraq and affirmed on the highest levels that Iraq was keen to continue the relations of understanding and joint work with a view to fulfilling the tasks of the Commission as soon as possible. He also expressed his expectation that the Executive Chairman of the Commission and its representatives would adhere to their undertakings towards Iraq by respecting Iraq's sovereignty, dignity and national security.

25. On this last point, the Chairman during his briefing of the Council, confirmed that the Commission always acted with due respect to Iraq's sovereignty, dignity and legitimate security concerns in accordance with the Charter of the United Nations and the relevant resolutions of the Council.

26. On the basis of the Council's informal consultations on 18 March, the members agreed the following day on a statement by the President (S/PRST/1996/11). The statement notes the Council's concern at Iraq's behaviour, which it termed a clear violation of Iraq's obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). The Council also demanded that the Government of Iraq allow the Commission's inspection teams immediate, unconditional and unrestricted access to all sites designated by the Commission for inspection in accordance with the relevant resolutions of the Council.

27. In all, inspection team UNSCOM 143 visited 14 sites. At one third of the sites, the team experienced significant delays, thus reducing the confidence the Commission might have that the inspections were conducted in a way that would enable it to decide whether proscribed items or related documentation had or had not been present at the sites when the team had arrived. Indeed Iraq's behaviour and the blockages could only add to the suspicion that proscribed items do indeed exist in Iraq.

National implementation measures

28. No progress has been made since the previous report in securing from Iraq the national implementation measures which it is required to take under the plans for ongoing monitoring and verification. Repeated assurances by Iraq that the legislation to enact the measures will shortly be forthcoming have not been met. It is worth recalling that the Commission's plan (S/22871/Rev.1) requires that:

> "20. Iraq shall adopt the necessary measures to implement its obligations under section C of resolution 687 (1991), resolution 707 (1991) and the plan, in particular:
>
> "(a) To prohibit all natural and legal persons under Iraq's jurisdiction or control from undertaking anywhere any activity that is prohibited for Iraq by resolutions 687 (1991), 707 (1991), by other related Security Council resolutions or by the plan;
>
> "(b) To enact penal legislation which, in conformity with international law, shall extend to the activities referred to under subparagraph (a) above undertaken anywhere by any natural or legal persons under Iraq's jurisdiction or control.
>
> "21. Iraq shall inform the Special Commission of legislative and administrative measures taken to implement resolutions 687 (1991), 707 (1991), other relevant Security Council resolutions and the plan, not later than 30 days after the approval by the Security Council of the plan and thereafter as determined by the Special Commission."

29. Iraq has been in breach of its obligations in respect of these provisions of the Commission's plan for almost four and a half years. Enactment of the necessary legislation is clearly one of the steps that Iraq is required to take in terms of paragraph 22 of resolution 687 (1991) before the Commission can report to the Council that, in its view, Iraq has taken the actions required of it under section C of that resolution. Renewed urgency for enactment of the necessary legislation arises because of the Council's adoption of resolution 1051 (1996), approving the export/import mechanism, which will require a variety of actions on the part of Iraq that would appear to include new national administrative, if not legislative measures. The Commission expects Iraq to enact the necessary legislation without any further delay.

III. MISSILE ACTIVITIES

30. During the reporting period, the Commission continued intensive inspection and monitoring activities in the missile area. Since December 1995, five inspection teams and several expert special missions have been sent to Iraq. Over 150 monitoring visits to over 50 sites were carried out by resident monitoring teams operating from the Commission's Baghdad Monitoring and Verification Centre. The focus of the Commission's activities centred on obtaining from Iraq a full, final and complete disclosure of its proscribed programmes, and on investigations to assure that no proscribed items remain in Iraq and no proscribed activities are currently being pursued.

A. Proscribed programmes

31. The reporting period saw positive developments in respect of the collection information on Iraq's proscribed programmes relating to missiles with a range of more than 150 kilometres. The Commission reported in December 1995 that Iraq had submitted a new full, final and complete disclosure in November 1995 stating that the document was a final version of its disclosures and that no substantive additions or corrections would be made to it. In its previous report, the Commission described many deficiencies in this declaration. It discussed these shortcomings with Iraq's representatives during high-level talks in December 1995 and during a special expert mission in early February 1996. On those occasions, Iraq responded in a constructive manner and undertook to work on a new declaration. On 27 February, Iraq submitted a document entitled "Draft full, final and complete declaration of the Iraqi national ballistic missile programme". It incorporated significant new information and responded to some recommendations made by the Commission.

32. The recent draft was a marked improvement both in substance and in its presentation. A number of chapters on specific activities were corrected and enhanced with substantial documentary support. This was particularly evident in the presentation of the activities of former Project 1728, Iraq's major project for development and production of long-range missile liquid propellant engines. Iraq admitted for the first time that this project had been established specifically for missile activities, thus clarifying many ambiguities in its previous declarations. The Commission had come to such an assessment a long time ago and used it as a basis for its decisions in April 1995 concerning the disposal of Project 1728 equipment. Some sections of the February draft, i.e., those dealing with foreign assistance, were also improved, and following these, the Commission intends to make new approaches to a number of Governments in order to verify the information provided by Iraq. However, some other sections of the draft declaration did not match these improvements.

33. The Commission has always stressed that a definitive and verifiable material balance of acquisition, production, consumption and disposal of proscribed weapons is a fundamental requirement for the Commission's assessment of Iraq's compliance with the missile-related provisions of resolution 687 (1991). During the reporting period, this requirement was reinforced with Iraq at every available opportunity. The issue specifically relates to proscribed operational missiles systems and major components, imported or

indigenously produced such as missile engines, fuels, guidance and control equipment and launchers. The Commission suggested that Iraq devote priority to this area, so that outstanding issues identified by the Commission could be resolved expeditiously. In response, Iraq clarified a number of issues and provided some additional documents to support its accounting, including some on covert unilateral destruction of proscribed items carried out by Iraq in the summer of 1991. This unilateral destruction activity carried out by Iraq comprised, by Iraq's statements, the major part of its missile stock. These actions, in contravention of Iraq's obligations under resolution 687 (1991) undermine the Commission's ability to verify that all proscribed items have actually been destroyed. This, like Iraq's stated actions in the chemical and biological fields, seriously complicates the Commission's task. Despite the efforts made by Iraq and the Commission, it is still too early to report on the full accounting of proscribed weapons systems. Current Iraqi accounting, although improved, still lacks consistency and the evidence necessary for verification. In fact, this area remains a foremost concern for the Commission. A number of ways were suggested by the Commission, which might facilitate a speedy resolution of the relevant issues. Iraq promised to address them in a concrete manner. The issue of the material balance of proscribed weapons will continue to be a prime focus of the Commission's investigation in the forthcoming period.

34. During verification of Iraq's full, final and complete disclosure, the Commission will also need to address such issues as the material balance of imported and indigenously manufactured missile components, tooling and equipment for production activities, the scope of several of Iraq's missile projects and foreign assistance.

35. The discussions of Iraq's disclosures in the missile area proceeded for the most part in a constructive manner. It was obvious that the Iraqi counterparts were applying considerable efforts to provide a good account of past activities. However, in some cases the Iraqi side continued to adhere to its earlier behaviour and was unwilling to adopt a cooperative stance. This became even more apparent after mid-February 1996. This is a matter of concern. The Commission hopes that this is not a reversal of the overall positive and encouraging policy of cooperation and openness with the Commission followed by Iraq since August 1995.

36. As reported to the Council in December 1995, the Commission has not yet received from Iraq a clear and definitive account of proscribed weapons, equipment and materials. This leaves a suspicion that such items still exist in Iraq. The Commission also believes that Iraq is withholding important documents related to proscribed activities. In August 1995, Iraq admitted in an official letter that it had been engaged in a dedicated concealment effort to hide proscribed items and documents from the Commission. After that date, the Commission obtained from Iraq a significant amount of documents and hardware that had been hidden for years in different places such as a chicken farm, military installations, the Military Industrialization Commission's establishments, private houses, etc. Sensitive items were placed under special protection to avoid their detection by the Commission. Through its analytical work, the Commission has been able to identify several suspect sites where items and documents of relevance to the Commission might have been or were still

hidden. The Commission's mandate from the Council specifically provides for inspections to address such concerns. For that purpose the Council imposed on Iraq specific obligations to allow the Commission's inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect. The corresponding rights were given to the Commission to carry out inspections at any time and without hindrance.

37. The Commission has always insisted on its rights to conduct no-notice inspections. The objective has been to address in the most direct manner existing concerns so that, based on results of the inspections, those concerns would be either validated or disproved. In either event, this could materially contribute towards enabling the Commission to report on Iraq's compliance under paragraph 22 of resolution 687 (1991). The continued existence of any suspicions serves neither Iraq's best interests, nor the Commission's responsibilities.

38. As described above, a team (UNSCOM 143), composed to carry out a number of no-notice inspections was sent to Iraq on 8 March. Originally the team had planned to go in early December 1995 but had postponed the visit at that time owing to some logistical and technical reasons. The team consisted of 44 inspectors, provided by a number of Governments. The team was equipped with a variety of sensor instruments to enable it to investigate sites to be inspected.

39. The team inspected a variety of sites in Iraq. They included three administrative complexes in Baghdad, four military sites and a number of industrial and storage locations. In addition, three locations were surveyed using advanced sensor technologies to detect the possible burial of proscribed items. All inspections were carried out in a professional manner within the rights and privileges given to the Commission under its mandate, including the agreement on the status, privileges and immunities of the Commission of May 1991.

40. The inspection team did not detect any proscribed items or documents at the sites that were inspected. In normal circumstances, the Commission would have confidence that, therefore, proscribed items and documents had not been present at the site at the time of the inspections. However, Iraq had purposefully obstructed the team's activities at a number of sites. On five occasions Iraq did not grant, as obliged, immediate access to the sites designated for inspection with delays ranging from 2 to over 17 hours. Iraq also imposed restrictions on UNSCOM aerial surveillance activities, carried out in support of ground inspections. There were cases when the team's actions to secure visual observation of the sites and inspection of the sites were impeded by Iraq. Iraq's actions, in violation of its obligations under relevant Council resolutions, in impeding the inspection process has had a detrimental effect on the team's ability to arrive at unambiguous and definitive findings. The Commission's confidence has been diminished by Iraq's actions and the obstruction of the inspection activities.

41. In the forthcoming period, the Commission expects Iraq to provide additional contributions to its latest declaration. This relates, in particular, to issues of the material balance of proscribed weapons and their

components, relations with a number of foreign suppliers and the overlap of the missile area with other areas of proscribed activities. Iraq still needs to provide documentary evidence to support many of its explanations, especially those related to projects that have only recently been admitted to by Iraq. It is for Iraq to decide when it will be ready to present to the Commission its full, final and complete disclosure, pursuant to the Council resolutions. The Commission will then verify such a declaration in order to present its assessment of Iraq's compliance. How quickly the Commission can verify Iraq's declarations and the eventual results of verification will depend on the quality and accuracy of information to be presented by Iraq in its disclosures of proscribed missile activities. Based on its mandate from the Council and the rights given to it, the Commission will conduct inspections in order to address current and future concerns over Iraq's compliance. Such inspections are a critical element in the process leading to a situation where the Commission will be in a position to submit to the Council a fully credible report, as required by paragraph 22 of resolution 687 (1991), on Iraq's compliance.

B. Monitoring activities

42. The Commission continues to manage the monitoring system in the missile area that became operational in August 1994. A description of key elements of this multi-layered system was provided in a report to the Council in October 1995 (S/1995/864, paras. 29-36).

43. The resident missile teams in the Baghdad Monitoring and Verification Centre pursued active monitoring of a large number of missile-related sites. Other elements of the monitoring system, including over 40 cameras at 16 sites, continued to operate effectively by providing essential data for analysis and integration into the overall picture of Iraq's activities under monitoring.

44. The Commission continued to send to Iraq specialized teams to augment its capabilities to monitor and assess Iraq's ongoing activities in the missile area. Two such teams (UNSCOM 130 and UNSCOM 137) were in Iraq in December 1995 and March 1996 with the mission to perform an in-depth technical analysis of Iraq's current programmes to develop and manufacture non-proscribed missile systems, i.e., those with a range of less that 150 kilometres. As part of the examination of Iraq's February 1995 draft full, final and complete disclosure, the last team visiting Iraq was also tasked to investigate issues relating to some past missile research and development projects. After lengthy discussions, the team came to the conclusion that Iraq's work on long-range missiles (i.e., ranges over 1,000 kilometres) was more advanced than previously declared by Iraq. Iraq undertook to provide additional information and make corrections to the relevant portions of the February draft. The team requested explanations of Iraq's military-political requirements for such missiles, including on their ranges and payloads. Iraq promised to provide such explanations to the Commission on "a political level".

45. In December 1995, the Commission conducted a third check (for that year) of tagged operational missiles. No modifications were detected on missiles inspected during the year.

46. Iraq has recently admitted that, after the adoption of resolution 687 (1991), it had carried out an undeclared programme to modify a Volga/SA2 surface-to-air missile system to a surface-to-surface application with a range of over 100 kilometres. This programme included research and development activities, flight tests and prototype production of some components. Such activities mean that the missiles must be subject to the provisions of resolution 715 (1991), in particular paragraph 43 of the plan for ongoing monitoring and verification (S/22871/Rev.1). These activities should not have been carried out by Iraq without a proper declaration to the Commission. In this case, Iraq clearly failed to meet its obligations under relevant Council resolutions. In view of these findings, the Commission has decided to apply monitoring modalities to the Volga missiles in Iraq. This requires the tagging of all such missiles and their periodic inspection to ascertain that no modification for a surface-to-surface role is carried out. This monitoring by the Commission will be executed without affecting Iraq's air defence operations. Relevant issues were discussed with Iraq by a team from the Commission in early March. The Commission intends to commence actual tagging in the near future with a view to completing the operation within a few months.

47. Resident missile monitoring teams took an active part in interdisciplinary inspections of a number of sites in Iraq. This provides the possibility for the teams to assess their relevance for current and future monitoring from the perspective of requirements in the missile area.

C. Current acquisition activities

48. The Commission continues to obtain information on Iraq's efforts to acquire components and technologies for specific use in missile activities. It is obvious that such supplies and acquisitions are in contravention of sanctions established under the relevant Council resolutions. Iraq stated that all items procured or contracted had been intended for non-proscribed missiles. Nevertheless, Iraq's failure to declare such items to the Commission and its attempts to conceal acquisition activities is of great concern. An inspection team (UNSCOM 144) has just conducted a further investigation of Iraq's declarations on its acquisition efforts. The Commission intends to pursue vigorously this endeavour. The recently adopted resolution 1051 (1996) now provides a solid basis for Iraq's reporting and the Commission's actions in this area.

49. The Commission has reported to the Council on Iraq's acquisition efforts from foreign suppliers where there was reason to believe that proscribed items or materials for proscribed activities had been involved. Such cases remain under close scrutiny by the Commission. In particular, the Commission expressed great concern over the recent delivery to Iraq of a large number of sophisticated missile guidance and control components. It is assessed that such components are used in missiles with ranges over thousands of kilometres. The Commission initiated an investigation into that matter and dispatched a special team (UNSCOM 120) to Iraq in January 1996. It should be recalled that, in December 1995, the Government of Iraq had denied publicly that Iraq had acquired such items or contracted for them. The UNSCOM 120 team was given reports on Iraq's two official investigations of the case. Iraq also agreed that the team

could interview a number of persons in Iraq. The Iraqi investigations confirmed that its authorities and missile facilities had been involved in the acquisition of these components through a specific middleman, currently residing in Iraq. Iraq determined that these components fell under a category of proscribed items under resolution 687 (1991). The middleman involved admitted to concluding a number of contracts with Iraq for the delivery of these and other missile components and equipment and to receiving substantial amounts of money from the Government of Iraq. It was established that some missile guidance and control components had been delivered to Iraq in July 1995 while others together with testing equipment had been stored in transit in a free port in Jordan waiting for shipment to Iraq. An individual in Iraq (the Director-General of a major missile establishment) alleged to be responsible for this acquisition, stated that he had destroyed, in August 1995, all guidance and control components received and had informed Iraq's governmental authorities on two occasions, in August and October 1995, about the receipt of these proscribed items. Despite this and the considerable time available, no disclosure of the related activities involving proscribed items was made by the Government of Iraq to the Commission until mid-December 1995 and January 1996. The UNSCOM 120 team collected important information and documents from Iraq related to the case under investigation. During the mission the Iraqi counterparts were inclined to be helpful and cooperative. Iraq included a summary accounting of this matter in its February draft full, final and complete disclosure. However, despite the efforts of both Iraq and the team, contradictions and ambiguities still remain in the account of the events and of the nature and scope of this acquisition effort. Iraq is still reluctant to broaden the scope of investigation, as required by the circumstances of the case. The Commission will continue its thorough investigation into the matter which involved the acquisition and delivery of proscribed items to Iraq. In order to assist in verification, the Commission has asked for support from some Governments who might possess relevant information, in particular, those with jurisdiction over the suppliers involved in this case which Iraq has revealed. The Commission is still awaiting such responses as may be forthcoming.

50. The overall assessment of progress during the period under review is positive. The Commission was able to advance considerably its investigation and verification of Iraq's proscribed activities. However, some recent events when Iraq's representatives appeared to be less cooperative in their interaction with the Commission cause concern over possible reversal of this encouraging trend. The Commission is confident that if the policy of cooperation and openness is continued and allowed to mature, the remaining outstanding issues in the missile area, even the most difficult ones, could be resolved quickly.

IV. CHEMICAL ACTIVITIES

A. Proscribed programmes

51. During the period under review, the Commission's work in the chemical weapons area has focused on assessing Iraq's declarations on its proscribed activities, the evaluation of documents received from Iraq and the collection of additional documents through field inspection.

Iraq's declarations

52. A full understanding of Iraq's proscribed chemical weapons activities is imperative for the Commission to fulfil its mandate in two important respects. First, to be able to verify that no chemical weapons agents, munitions, proscribed equipment and materials remain in Iraq. Second, to be fully confident that the Commission's chemical monitoring regime encompasses all equipment and materials in Iraq which could be used to produce chemical weapons. Neither of these objectives can be achieved without a verifiable full, final and complete disclosure from Iraq as required by the relevant Council resolutions. Over the past five years, progress has been made towards attaining that goal with the volume of information provided in successive disclosures increasing significantly.

53. Iraq's first chemical full, final and complete disclosure was provided in 1992. During 1993 and 1994, the Commission received considerable information from supporting Governments on supplies of chemical weapons-related material to Iraq. This information not only contradicted statements made in the 1992 disclosure but also showed large gaps in that document. When confronted with these deficiencies, Iraq provided a new disclosure in March 1995. Whilst an improvement on the earlier version, the Commission's assessment was that this new version was still incomplete.

54. One very important aspect of all full, final and complete disclosures is the requirement for the Commission to be able to verify their contents. Where the physical evidence is, according to Iraq, no longer available, the only means of verification is through the provision of original documents to substantiate declarations. Until August 1995, Iraq had maintained that all documents relating to proscribed programmes had been destroyed. The provision of a large number of documents in Iraq in August 1995 invalidated these earlier statements and therefore marked a major step forward in Iraq's compliance.

55. As reported in the October and December 1995 reports to the Council (S/1995/864 and S/1995/1038), the documents obtained in August showed that Iraq's chemical weapons programme was more developed and wider in scope than had previously been admitted. The documents also showed that Iraq had used chemical weapons facilities to support other weapons of mass destruction programmes. These included the production of casings for radiological bombs, activities for the uranium chemical enrichment process and major support for the biological weapons programme. There was also evidence of much greater foreign involvement in Iraq's chemical weapons programme. Nevertheless, the documents were not complete and material on certain important areas was absent. For example, the Commission has only been provided with the records of the production of chemical

warfare agents over a period of seven months in 1988; there are no production records for the years of declared activities, including the most important phase after 1988 when Iraq conducted research and development, inter alia, on more advanced chemical weapons agents and delivery systems.

56. When confronted with the new information derived from the documents obtained in August 1995, Iraq agreed to provide another full, final and complete disclosure. This was submitted in November 1995 as a draft. It was discussed with senior Iraqi representatives in New York in December 1995. During those discussions, the Commission's experts pointed out problems in the draft and areas where more supporting evidence, principally original documents, would need to be provided, especially in respect of alleged unilateral destruction by Iraq of proscribed items in the summer of 1991 (see para. 33 above).

57. The December 1995 discussions were constructive. Iraq agreed to all the Commission's recommendations and in February 1996 provided a new draft (and fourth) full, final and complete disclosure. A further positive development was the provision by Iraq, after August 1995, of additional documents relating to chemical weapons activities.

58. Evaluation of the latest draft full, final and complete disclosure continues and the Commission's experts will travel to Baghdad shortly to hold talks with their Iraqi counterparts. While it is premature at this juncture to give a final assessment of the document, certain broad themes are already clear. Some areas of the declaration have improved but the latest draft is still incomplete in important respects. These include the level of expertise achieved in research and development activities on chemical weapons agents, synthesis methods, large-scale production techniques, weaponization and delivery systems. Full disclosures on precursor production capabilities and dual-use equipment located within the civilian chemical industry are also absent, as well as complete information on foreign suppliers to the programme.

59. Furthermore, in the latest draft, the figures for chemical weapons precursors, agents and munitions produced, procured and destroyed have been changed and dates of activities shifted. It is not clear from what source Iraq has been able to produce this new data as no documentation has been provided to explain the changes. The strong presumption must be that the changes have been made on the basis of information that Iraq has not yet disclosed to the Commission.

60. A further area of the declaration which is still inadequate concerns Iraq's activities with respect to the V class of highly toxic chemical warfare agents. Initially Iraq stated that only laboratory scale synthesis had been undertaken. In March 1995 production of 260 kilograms and weaponization of the agent in three aerial bombs was admitted. In November 1995, the declared amount produced rose to 3.3 tonnes and in the latest draft full, final and complete disclosure the figure increased by a further 20 per cent. As has been stated in previous reports to the Council, at the beginning of 1989, Iraq had in its possession the necessary quantities of precursors for the large-scale production of VX. These precursors were stated by Iraq to have been unilaterally destroyed but until Iraq produces more evidence to substantiate this destruction, the Commission

cannot be fully confident that VX production capabilities, stocks of precursors and appropriate munitions do not remain in Iraq.

Collection of additional information

61. Given the importance of obtaining documents to support Iraq's declarations on its chemical activity, the Commission undertook its own initiative to find documents. This included a review of locations in Iraq where some chemical weapons-related documents might still be available.

62. As a consequence, the decision was taken to excavate several destroyed buildings at Al Muthanna, the site of Iraq's largest chemical weapons research and production facility. Since their aerial bombardment in February 1991, access to the buildings had been considered impossible owing to safety considerations. Nevertheless the Commission decided that it should make a major effort to excavate the site. From 24 February to 10 March 1996, UNSCOM 129B, an international team of 26 inspectors, excavated six sections of buildings at Al Muthanna and searched a number of other areas and buildings.

63. During this dangerous and demanding mission, the team discovered and retrieved some 5,000 pages of printed materials. These included numerous bound volumes, memoranda, organizational papers, booklets, letters, archive records, approximately 100 computer discs, books, catalogues and published journals. Some articles were intact, while others were in fragments. In addition, the team removed some 80 munitions and components, including 122 millimetre artillery chemical warheads and 155 millimetre "binary" artillery shells. Iraq contributed to the success of the inspection through the provision of technical support, including labour and heavy engineering equipment. This assistance was given without any problems or delays. The Commission's experts are currently working on the translation and analysis of the newly recovered material. These results may help speed up the verification of Iraq's declarations in the chemical weapons area.

64. In a further effort to verify Iraq's declarations, the Commission has also held consultations with the Government of Iraq's former suppliers of chemical weapons-related materials. Some aspects of Iraq's declaration can only be verified on the basis of information that remains to be provided by these Governments. The Commission will continue its efforts in this respect as this is critical to the verification effort.

B. Monitoring activities

65. Since its December 1995 report, the Commission's Baghdad-based chemical monitoring team has inspected more than 50 sites of relevance in Iraq. These inspections have included joint missions with other monitoring teams, to both new and known sites. Joint inspections not only increase the monitoring teams' knowledge of sites, which may have relevance to their discipline, but also help to exploit limited resources.

66. The chemical monitoring team continues to discover non-declared dual-use equipment in Iraq. Under the monitoring plan, Iraq is required to declare all

dual-use chemical manufacturing equipment. The movement and use of dual-use chemicals must also be notified. Iraq continues to fail to provide accurate and complete declarations required by the monitoring plan and the explanations provided for undeclared items and activities are in many cases inadequate. These unnecessary delays and shortcomings call into question Iraq's intentions in the chemical area. The Commission will watch closely what steps Iraq will take to improve its procedures in respect of monitoring declarations.

67. The Commission has continued its efforts to refine the monitoring and verification system to take account of developments in the investigation of Iraq's chemical weapons programme. Refinements include the expansion of the chemical analytical capabilities at the Baghdad Monitoring and Verification Centre.

68. Initial tests with temporary mobile monitoring cameras carried out by the chemical monitoring team proved to be successful. This system will find additional application in Iraq in the near future. Starting in May 1996, the Commission will also conduct a series of tests with new types of sensors and sensor methods to assess their potential application in the monitoring system.

69. At the end of April, the resident chemical monitoring team will be reinforced by additional personnel. Since the middle of February 1996, the chemical team has been able to draw upon the services of one permanent explosive ordnance disposal specialist with additional skills in the areas of non-conventional munitions. This is a major contribution to the safety of the Commission's operations in Iraq.

70. In order to address the Commission's ongoing need to recruit suitably qualified personnel for the chemical monitoring team in Baghdad, predominantly for monitoring of Iraq's civilian chemical facilities, the Commission has addressed requests for the provision of personnel to 60 Governments. The Commission hopes that the response to this request will soon enable it to enlarge an international pool of chemical inspectors able to serve at the Baghdad Monitoring and Verification Centre on a rotational basis.

V. BIOLOGICAL ACTIVITIES

A. Proscribed programme

71. The Commission's main findings and assessment of Iraq's proscribed biological weapons programme were outlined in its October and December 1995 reports to the Council (S/1995/864 and S/1995/1038). During the reporting period, further progress has been achieved in the Commission's efforts to map the programme. Nevertheless, the Commission still believes that Iraq has not yet given a full and correct account of its proscribed activities in all its aspects.

72. To reflect new data revealed in August and September 1995, Iraq submitted a draft full, final and complete disclosure in the biological area on 5 November 1995. The Commission's assessment of this document was provided to the Council in the December 1995 report (S/1995/1038). Through high-level talks

and expert discussions with Iraq, the Commission detailed serious deficiencies in the draft. Iraq undertook to continue its work with a view to submitting an improved version of the declaration.

73. In order to assist Iraq in this work, Commission's inspection teams (UNSCOM 133 and UNSCOM 139) travelled to Iraq to conduct detailed discussions on weaponization issues and on bulk agent production for weapons purposes. These visits took place from 12 to 18 January and from 24 February to 1 March 1996.

74. The January discussions were productive with the Iraqi team being open and constructive. Iraq produced a number of documents to substantiate some parts of its declaration. It made additional disclosures concerning its biological weapons programme. Iraq revealed that Al Hakam had been intended to be a specialized filling facility for biological warfare munitions and that the R-400 air bombs for biological warfare purposes were actually assembled there. It also declared that some weapons trials had been conducted at Al Hakam. The January meetings resulted in clarification of several important outstanding issues, in particular those related to destruction of some types of biological warfare munitions. A serious attempt was made to resolve the fundamental issue of the filling and claimed covert destruction of biological warfare warheads for missiles. No resolution was achieved as Iraq's statements did not conform to documentation available to the Commission. The Commission was, nevertheless, encouraged by the positive results of the January discussions.

75. However, the February visit to discuss Iraq's production of biological warfare agents was less fruitful. Iraq did not provide additional documentation. For the year 1990, Iraq had earlier presented documents to support its stated production figures. However, production data for earlier years presented to the team by Iraq was assessed by the team as too low. The team's view was that their Iraqi counterparts tended to change production data to accommodate newly discovered facts related to Iraq's biological weapons programme. Changes were introduced by Iraq without any documentary support or convincing explanations.

76. Iraq submitted another draft of the full, final and complete disclosure to the Commission on 8 March 1996. This new draft incorporates some explanations provided by Iraq since November including a number of the Commission's suggestions on content and format for this declaration. To this extent, the new draft was an improvement over the previous version. The Commission is now particularly interested to receive from Iraq a final coherent statement on the integration of its biological weapons programme into Iraq's military posture and a substantiated material balance of biological warfare agents and munitions from production to destruction. In a number of important aspects, information contained in the recent draft does not match the current findings by the Commission. Unless rectified by Iraq in a convincing manner, such a situation will cause great problems in the verification of Iraq's formal declaration.

77. Through its investigation of Iraq's biological weapons programme, the Commission has been able to identify a number of facilities that played a key role in the programme. This includes, in particular, the Al Hakam factory, a dedicated biological warfare research, development, production and munition filling facility, and the foot and mouth disease vaccine plant that was used

extensively by Iraq for the production of biological warfare agents. Pending a decision on the disposal of these facilities and their equipment as called for in resolution 687 (1991), the Commission asked Iraq to cease all activity at these two sites. Iraq has accepted this request and has assisted in establishing appropriate deactivation and surveillance measures.

B. Monitoring activities

78. The Commission continues to operate its monitoring system in the biological area. This system currently comprises 82 sites with three additional sites having been added since October 1995. Facilities under monitoring vary from production and research establishments, to disease-control institutions, colleges and export/import agencies. Since October 1995, over 170 visits have been carried out by the biological monitoring teams operating from the Baghdad Monitoring and Verification Centre. Remote sensor monitoring with over 20 cameras was employed at three sites to augment the monitoring capabilities.

79. Iraq's cooperation with Commission's monitoring activities has generally been good since the system was established in April 1995. However, the Commission has recently noticed cases of negligence on the part of Iraq's personnel in meeting fully the Commission's monitoring requirements. This includes failure to provide monthly information on some sites, non-response to Commission requests for declarations on specific facilities or activities, removal or breaking of UNSCOM tags and seals and failure to provide timely notifications of activities under monitoring. The Commission is concerned that the continuation of these incidents might develop into a serious inhibition of the monitoring activities.

VI. NUCLEAR ACTIVITIES

80. The Director General of the International Atomic Energy Agency (IAEA) is reporting separately on the activities of the action team established to implement paragraphs 12 and 13 of resolution 687 (1991) and the IAEA plan for ongoing monitoring and verification approved under resolution 715 (1991) (S/22872/Rev.1 and Corr.1).

81. The Commission continues, in accordance with paragraph 9 (b) (iii) of resolution 687 (1991) and paragraph 4 (b) of resolution 715 (1991), to provide its assistance and cooperation to the IAEA action team through the provision of logistical and other operational support for the carrying out of the IAEA plan for ongoing monitoring and verification. In accordance with paragraph 9 (b) (i) of the same resolution and paragraph 4 (a) of resolution 715 (1991), it continues to designate sites for inspection. In accordance with paragraph 3 (c) of resolution 707 (1991), it continues to decide on requests from Iraq to move or destroy any material or equipment relating to its nuclear weapons programme or to its other nuclear activities. Furthermore, it continues, in accordance with paragraph 4 (c) of resolution 715 (1991), to perform such other functions, in cooperation in the nuclear field with the Director General of IAEA, as may be necessary to coordinate activities under the plans for ongoing monitoring and verification, including making use of commonly available services and

information to the fullest possible extent, in order to achieve maximum efficiency and optimum use of resources.

82. During the current reporting period, the Commission has reviewed and concurred with a number of IAEA evaluations of Iraqi requests to relocate materials and equipment within Iraq or to use some materials under seals, participated with IAEA teams during routine inspections, provided, through the German Government, fixed-wing (C-160) and rotary-wing (CH-53G) aircraft for the transport of IAEA inspectors into Iraq from Bahrain, and between points within Iraq, and provided the Action Team with working rooms and supporting facilities at the Baghdad Monitoring and Verification Centre.

83. The links between nuclear and missile-related activities in Iraq were investigated during a joint inspection conducted in February 1996. This mission examined the Iraqi design work on a missile to deliver a nuclear warhead. Such inspections will be repeated in the future. Some other cross-disciplinary inspections will also be planned.

84. Enhanced integration between the monitoring methods of IAEA and the Commission has been implemented. Regular coordination meetings are held, alternately in New York and Vienna, to exchange information and to plan cross-disciplinary inspections. The Commission's experts regularly visit Vienna to update the IAEA photo library.

85. The Commission's experts continue to participate in the IAEA negotiations with the Russian Federation regarding the sale of the nuclear fuel removed from Iraq and reprocessed in the Russian Federation. Various new alternatives are being examined in an effort to bring this matter to an early conclusion.

VII. RADIOLOGICAL WEAPONS

86. The Commission's previous report (S/1995/1038) gave some preliminary comments on the extent of Iraq's radiological weapons activities as declared by Iraq. The Commission and IAEA asked that Iraq disclose full details of this programme.

87. In an attachment to the February 1996 draft of its chemical f[illegible], final and complete disclosure, Iraq provided a copy of a report on the effor[illegible] undertaken by Iraq's Atomic Energy Commission and Military Industrialization Commission. This document covers activities carried out in the period from August to December 1987.

88. According to Iraq's declaration, the purpose of the project was to combine the effectiveness of conventional aerial munitions with the spreading of radioactive materials. The radiation effect would extend through the inhalation exposure from the irradiated materials floating in the air.

89. The report contains information on details of zirconium irradiation in a nuclear reactor at Tuwaitha, calculations of the biological effect of the irradiated materials, field experiments of the distribution of isotopes and the design of munitions. The report also contains information on the special aerial

bomb, known as the Qa-Qa-28, four prototypes of which were constructed for the purpose of this experiment. Field tests of these munitions were carried out by Iraq's Air Force and the Muthanna State Establishment.

90. The report concludes that Iraq's Atomic Energy Commission and the Military Industrialization Commission had the capability to manufacture a bomb containing irradiated materials. However, it was suggested by Iraq's Air Force that a study should be conducted to consider the possibility of reducing the weight of the bomb (the total weight of the Qa-Qa-28 bomb was 1,400 kilograms).

91. Iraq declared that no order to produce radiological weapons was given and the project was abandoned. However, the production of 100 empty casings of the smaller calibre aerial bomb for the purpose of radiological weapons was admitted in the full, final and complete disclosure. According to Iraq, 75 bombs were sent to the Al-Qa-Qa State Establishment and the remaining 25 bombs at Al Muthanna were destroyed unilaterally in the summer of 1991. The fate of the 75 bombs is not mentioned.

92. It is not clear when and at which stage of the implementation of the project these munitions were produced. Similarly, it is not clear whether they were manufactured as a consequence of the above-mentioned report. The Commission continues to press for additional documents for the purpose of verification related to the production, testing and unilateral destruction of these munitions.

VIII. EXPORT/IMPORT MECHANISM

93. On 27 March 1996, the Security Council unanimously adopted resolution 1051 (1996), whereby it approved the export/import monitoring system for Iraq. It will be recalled that the establishment of a system to monitor sales and supplies to Iraq of items relevant to the implementation of section C of resolution 687 (1991) has been viewed by the Commission and IAEA as an important and essential step towards the full realization of their plans for ongoing monitoring and verification. The Council itself requested the development of such a system in paragraph 7 of its resolution 715 (1991).

94. There has been concern for some time that dual-use items that may have applications in weapons programmes proscribed to Iraq have been entering the country. This has been noted in previous reports by the Commission. In the absence of a mechanism that ensures that the Commission and IAEA have timely information to ensure monitoring of the item in Iraq, their ability to ascertain that such items are not misused has been weakened.

95. With the adoption of the mechanism, it is useful to recall its main elements. The mechanism, which was developed by the Sanctions Committee, the Special Commission and the Director General of IAEA, relies on notifications both by Iraq and the supplier States of planned supplies of dual-use items to Iraq and on inspection of those items upon their arrival in Iraq and monitoring at the end-user site. Iraq will be required to make detailed declarations about its intention to import a dual-use item before import occurs. The Government of the supplier company will be required to notify the intention to supply such

items prior to export and again at a later stage provide details confirming the export of the item to Iraq. Upon arrival of the goods in Iraq, Iraq will have to make a similar declaration. The mechanism also makes provision for Governments to provide information which they may receive of any attempts by Iraq to acquire items which are prohibited to it under the Council's resolutions and the monitoring Plans.

96. As stated above, the mechanism is designed to be complementary to the other elements of ongoing monitoring and verification in Iraq in order to create an effective system without affecting legitimate trade and industry. The mechanism is not a licensing system. After arrival of the goods in Iraq, inspections under the ongoing monitoring and verification regime will allow verification of actual use at the end-user site.

97. The notifications will be provided to a joint unit set up in New York with experts from the Commission and IAEA. Additional staff will be assigned to the Baghdad Monitoring and Verification Centre to receive notices from Iraq. Procedures will ensure that all information is kept strictly confidential.

98. As with the current operating budget of the Commission, the costs of the unit will not be borne from the regular budget of the United Nations or passed on to Member States through assessed contributions. The domestic administrative requirements for Member States to enable compliance with the terms of the mechanism are expected to be minimal.

99. In resolution 1051 (1996) the Council calls upon all States to adopt, as soon as possible, such measures as may be necessary under their national procedures to implement the mechanism. Under the terms of the resolution, the requirement for Iraq to notify the joint unit of its intent to import items begins at a time to be agreed upon with Iraq, but in any event not later than 60 days from the adoption of the resolution. Prior to that date, the Commission intends to send an expert team to Iraq to ensure that the functioning of the mechanism is fully understood.

100. All other States must notify the joint unit, from a date to be determined by the Secretary-General and the Director General of IAEA and reported to the Council, after their consultations with the members of the Council and other interested States, that they are satisfied with the preparedness of States for the effective implementation of the mechanism. Prior to that, the Commission intends to arrange briefings for interested States on the mechanism and has stated its willingness to meet bilaterally with States that have particular questions or concerns.

101. The Commission and IAEA will shortly issue a handbook to Governments explaining the procedures that includes all supporting documentation as required by the resolution. The lists of items covered by the mechanism have already been published in the revised annexes to the Commission's and IAEA's plans for ongoing monitoring and verification (documents S/1995/208 and Corr.1 and S/1995/215 and Corr.1 and 2). These annexes will be incorporated in the handbook together with the standard notification forms to be used by States and a compendium of definition of terms used in the annexes of notifiable items.

102. The adoption and implementation of the mechanism does not imply any change in the sanctions adopted under resolution 661 (1990). Until such time that the Council decides otherwise, the Sanctions Committee will continue to exercise its current functions.

IX. OTHER ACTIVITIES

A. Aerial inspections

103. The imagery provided by the Commission's high altitude surveillance aircraft (U-2) and the Baghdad-based aerial inspection team continues to be essential for the monitoring regime and for the investigation of new sites. To date over 650 missions have been undertaken by the aerial inspection team and 290 missions by the U-2.

B. Finance and support

104. The financial situation of the Commission remains precarious. Since its previous report, in December 1995, there have been two additional contributions to the Commission's funds from Japan and Saudi Arabia. A specific commitment to contribute has also been made by Kuwait. The Commission's operations in 1996 have been essentially covered by savings from 1995, which will be depleted by mid-1996. Moreover, the export/import monitoring regime will further increase the rate of expenditure of the Commission. If the financial situation is not addressed satisfactorily and soon, it will have serious implications for the Commission's ability to fulfil the mandate given to it by the Council.

105. The working conditions in the Commission's offices are overcrowded to the point that they constitute a fire and safety hazard and impede the ability of the staff to work effectively. The export/import mechanism requires the handling of highly confidential information, where the security considerations are such that the office space should be made available from within the United Nations Headquarters building. Unless there is an improvement in the office situation, the Commission will be unable to meet the deadlines laid down in resolution 1051 (1996). In addition, analysis of documentation recently obtained in Iraq will be impeded.

106. The German Air Force continues to provide the Commission and IAEA with the type of airlift support that is essential to the success of their mission in the field. The Commission is grateful to the Government of Germany for having provided this support over the past four years. This effort, from a single Member State, represents one of the largest "in kind" elements of support for the Commission. The German Government has just provided the Commission with figures putting its expenses to date at DM 65,138,000 for its operations up to the end of 1994.

107. The CH-53G helicopter with its heavy lift capability has given the Commission extreme flexibility in performing a wide variety of missions from transporting aerial photographic inspection teams throughout Iraq to deploying inspection teams with their vehicles to sites distant from Baghdad, thus

underpinning to an important degree the ability to conduct no-notice inspections throughout the whole of Iraq. This flexibility has been essential to the Commission's ability to fulfil its mandate under resolutions 687 (1991) and 715 (1991). The C-160 fixed-wing operation, providing all of the Commission's and IAEA's logistical support into and out of Iraq, has likewise continued to provide the Commission exemplary support. As predicted in the Commission's December report, the cutbacks earlier in 1996 of one fixed-wing and one helicopter aircraft each have dictated tough mission trade-offs, loss of mission flexibility and increased mission risk. The Commission cannot assure the Council that its operations will continue to be carried out effectively in the case that this situation of reduced air support continues.

108. The Commission continues its efforts to find a replacement for the German air assets which are expected to be completely withdrawn at the end of June 1996. Two Member States have indicated that they are considering replacing the German air support. The Commission has sent a technical mission to Iraq and Bahrain to assess the logistical requirements for the fixed-wing aircraft replacement. A second technical mission is also planned to evaluate the requirements for the replacement of the helicopters in Iraq. If those alternatives do not prove feasible, the Commission hopes that the Government of Germany will continue to provide air support until another arrangement can be found. If not, it will be virtually impossible for the Commission and IAEA to continue operations in a manner providing any degree of credibility.

109. The Government of Bahrain's support for the Commission Field Office located at Muharraq airport has been outstanding and remains essential to the continued logistics lifeline to the Commission and IAEA activities in Iraq. The facilities presently offered to the Commission at the airport are ideally suited to current needs in terms of physical security and proximity to the flight lines, while offering exactly the kinds of office, storage and personnel processing facilities the Commission needs. The Commission owes the Government of Bahrain and its Ministry of Defence a great debt of gratitude for their unfailing support.

110. In addition to the support mentioned above, the Commission wishes to acknowledge the contributions to its work from about 50 Governments through the provision of specialist personnel, equipment, and other resources essential to the operations of the Commission.

C. Baghdad Monitoring and Verification Centre

111. The Baghdad Monitoring and Verification Centre has steadily become better organized and equipped to fulfil its functions. Several key personnel additions have given the Centre added expertise. Extra telephone lines and better satellite communications equipment have enhanced the Centre's connections to the Commission's headquarters in New York as well as to the IAEA action team in Vienna. The recently completed repeater system now gives the Centre direct, live monitoring through the cameras back to the Centre providing the inspectors with real time upgraded images from critical locations under monitoring. The foreseen addition of export/import monitoring will require yet additional resources for which the Centre is now configured. Assuming the provision of

funding, the Centre will continue to receive upgrades to its physical plant, logistics stores and communications networks to ensure it is responsive to increasing demands.

X. CONCLUSIONS

112. During the period under review, the progress registered in the Commission's report of December 1995 has continued. Iraq has disclosed information of great significance for the comprehension of the scope and size of its proscribed weapons programmes. Especially important has been that documents, earlier said to have been destroyed, have been submitted to the Commission, thus assisting the Commission in evaluating and verifying Iraq's declarations.

113. It should be noted that if Iraq's evasive actions such as the withholding of documentary evidence and unilateral destruction had not taken place, the Commission would by now have had a good chance to make a conclusive report. The Commission has focused substantial effort over the last months on the processing and analysis of the documents obtained since August 1995. This work has yielded rich results and the Commission is now in possession of data which helps to clarify many elements with regard to Iraq's prohibited weapons programmes and to better define what is still outstanding. Significant has been that the recent draft declarations submitted by Iraq have included data for improved verification, in accordance with long-standing requests of the Commission. Nevertheless, the Commission is convinced that more documents remain in Iraq. The Commission urges Iraq to make them available.

114. The Commission has made special efforts during the reporting period to identify under the three weapons categories what is missing and what could be done to sort out the remaining problems. Even if Iraq's contribution to the identification and clarification of outstanding issues is most important, progress cannot be achieved without thorough inspection activities by the Commission. Such inspections are carried out with the aim of searching for hidden items relevant to the Commission's mandate and/or to verify Iraq's claims of full compliance. The inspections are designed to speed up the process of verification. It was all the more disappointing that Iraq chose to obstruct an inspection (UNSCOM 143) which had the sole purpose of verification and clarification. The result was to raise suspicion that the reasons behind the obstructions were to hide prohibited items. The Security Council's unequivocal support of the Commission's inspection rights and restatement of Iraq's corresponding obligations are of great importance for the successful continuation of the Commission's inspection activities.

115. The Security Council's adoption of resolution 1051 (1996) on an export/import mechanism for Iraq and its implementation will make the system of ongoing monitoring and verification even more effective and fully operational. Thereby a milestone has been set in the history of the implementation of the cease-fire arrangements after the war.

116. The Commission notes that Member States can help speed up the verification process through the provision of the information they possess which concerns

Iraq's proscribed weapons programmes. Such assistance has proven to be of great help to the Commission's work.

117. In the immediate future, the Commission has concerns over its ability to meet its financial expenditure requirements. In addition, it wishes to draw the Council's attention to the uncertain status of its essential airlift capabilities. Failure to solve these problems will lead to a situation whereby the Commission will be unable to perform its functions.

118. As it has been made clear in the substantive parts of the present report, there are still significant deficiencies and gaps in Iraq's disclosures on chemical and biological weapons, proscribed ballistic missiles and related capabilities. The Commission has noted recent acquisitions of prohibited items by Iraq. This means that the Commission has serious concerns that a full accounting and disposal of Iraq's holdings of prohibited items has not been made.

119. It is the conviction of the Commission that, with sincere cooperation by the Government of Iraq, it could carry out a process to address expediently and effectively all outstanding issues. The Commission invites the Government of Iraq to such a joint effort to implement a programme of action to resolve what has to be resolved under the mandate handed down by the Council. The Commission wishes to reaffirm its undertaking to work with the aim of arriving at a situation whereby, as regards the completion of the Commission's responsibilities, it is convinced that the requirements of section C of resolution 687 (1991) as described in paragraph 22 of that resolution have been met.

120. In accordance with the new rules for reports of the Commission, the next formal report on the implementation of the relevant Security Council resolutions will be submitted on 11 October 1996. The Commission has, however, made a commitment that if progress so merits, the Commission will submit a special report to the Council.

Appendix

Inspection schedule

(In-country dates)

Nuclear

15-21 May 1991	IAEA 1/UNSCOM 1
22 June-3 July 1991	IAEA 2/UNSCOM 4
7-18 July 1991	IAEA 3/UNSCOM 5
27 July-10 August 1991	IAEA 4/UNSCOM 6
14-20 September 1991	IAEA 5/UNSCOM 14
21-30 September 1991	IAEA 6/UNSCOM 16
11-22 October 1991	IAEA 7/UNSCOM 19
11-18 November 1991	IAEA 8/UNSCOM 22
11-14 January 1992	IAEA 9/UNSCOM 25
5-13 February 1992	IAEA 10/UNSCOM 27
7-15 April 1992	IAEA 11/UNSCOM 33
26 May-4 June 1992	IAEA 12/UNSCOM 37
14-21 July 1992	IAEA 13/UNSCOM 41
31 August-7 September 1992	IAEA 14/UNSCOM 43
8-19 November 1992	IAEA 15/UNSCOM 46
6-14 December 1992	IAEA 16/UNSCOM 47
22-27 January 1993	IAEA 17/UNSCOM 49
3-11 March 1993	IAEA 18/UNSCOM 52
30 April-7 May 1993	IAEA 19/UNSCOM 56
25-30 June 1993	IAEA 20/UNSCOM 55
23-25 July 1993	IAEA 21/UNSCOM 61
1-9 November 1993	IAEA 22/UNSCOM 64
4-11 February 1994	IAEA 23/UNSCOM 65
11-22 April 1994	IAEA 24/UNSCOM 73
21 June-1 July 1994	IAEA 25/UNSCOM 53
22 August-2 September 1994	IAEA 26/UNSCOM 90
7-29 September 1994	NMG 94-01
14-21 October 1994	IAEA 27/UNSCOM 93
29 September-21 October 1994	NMG 94-02
21 October-9 November 1994	NMG 94-03
8-29 November 1994	NMG 94-04
29 November-16 December 1994	NMG 94-05
16 December 1994-13 January 1995	NMG 94-06
12 January-2 February 1995	NMG 95-01
2-28 February 1995	NMG 95-02
28 February-16 March 1995	NMG 95-03
16 March-6 April 1995	NMG 95-04
6-26 April 1995	NMG 95-05

27 April-10 May 1995	NMG 95-06
11-30 May 1995	NMG 95-07
31 May-20 June 1995	NMG 95-08
21 June-9 July 1995	NMG 95-09
10-30 July 1995	NMG 95-10
31 July-10 August 1995	NMG 95-11
11-29 August 1995	NMG 95-12
30 August-11 September 1995	NMG 95-13
9-19 September 1995	IAEA 28/UNSCOM 131
12 September-3 October 1995	NMG 95-14
4-22 October 1995	NMG 95-15
17-25 October 1995	IAEA 29/UNSCOM 132
22 October-9 November 1995	NMG 95-16
9-20 November 1995	NMG 95-17
20 November-12 December 1995	NMG 95-18
12 December 1995-4 January 1996	NMG 95-19
4-27 January 1996	NMG 96-01
27 January-12 February 1996	NMG 96-02
12 February-5 March 1996	NMG 96-03
5-25 March 1996	NMG 96-04

Chemical

9-15 June 1991	CW 1/UNSCOM 2
15-22 August 1991	CW 2/UNSCOM 9
31 August-8 September 1991	CW 3/UNSCOM 11
31 August-5 September 1991	CW 4/UNSCOM 12
6 October-9 November 1991	CW 5/UNSCOM 17
22 October-2 November 1991	CW 6/UNSCOM 20
18 November-1 December 1991	CBW 1/UNSCOM 21
27 January-5 February 1992	CW 7/UNSCOM 26
21 February-24 March 1992	CD 1/UNSCOM 29
5-13 April 1992	CD 2/UNSCOM 32
15-29 April 1992	CW 8/UNSCOM 35
18 June 1992-14 June 1994	CDG /UNSCOM 38
26 June-10 July 1992	CBW 2/UNSCOM 39
21-29 September 1992	CW 9/UNSCOM 44
6-14 December 1992	CBW 3/UNSCOM 47
6-18 April 1993	CW 10/UNSCOM 55
27-30 June 1993	CW 11/UNSCOM 59
19-22 November 1993	CW 12/UNSCOM 65
1-14 February 1994	CW 13/UNSCOM 67
20-26 March 1994	CW 14/UNSCOM 70
18-22 April 1994	CW 15/UNSCOM 74
25 May-5 June 1994	CW 16/UNSCOM 75
31 May-12 June 1994	CW 17/UNSCOM 76

8-14 June 1994	CW 18/UNSCOM	77
10-23 August 1994	CW 19/UNSCOM	89
13-24 September 1994	CW 20/UNSCOM	91
2 October 1994-14 January 1995	CG 1	
23-27 October 1994	CW 21/UNSCOM	95
11-21 January 1995	CW 23/UNSCOM	108
16-22 January 1995	CW 22/UNSCOM	107
14 January-15 April 1995	CG 2	
16 April-26 September 1995	CG 3	
16-20 September 1995	CW 25/UNSCOM	124
9-15 December 1995	CW 26A/UNSCOM	129A
24 February-10 March 1996	CW 26/UNSCOM	129B

Biological

2-8 August 1991	BW 1/UNSCOM	7
20 September-3 October 1991	BW 2/UNSCOM	15
11-18 March 1993	BW 3/UNSCOM	53
8-26 April 1994	BW 4/UNSCOM	72
28 May-7 June 1994	BW 5/UNSCOM	78
24 June-7 July 1994	BW 6/UNSCOM	84
5-8 June 1994	BW 7/UNSCOM	86
19 July-16 September 1994	BW 8/UNSCOM	87
20-24 August 1994	BW 9/UNSCOM	88
29 August-3 September 1994	BW 10/UNSCOM	92
29 September-14 October 1994	BW 11/UNSCOM	94
23-26 September 1994	BW 12/UNSCOM	96
15-20 November 1994	BW 15/UNSCOM	104
2-10 December 1994	BW 16/UNSCOM	105 (IMT)
2-13 December 1994	BW 13/UNSCOM	99 (IMT)
9-18 December 1994	BW 17/UNSCOM	106 (IMT)
28 December 1994-31 January 1995	IBG 1	
9-20 January 1995	BW 18/UNSCOM	109
13 January-27 February 1995	BW 19/UNSCOM	110
25-30 January 1995	BW 22/UNSCOM	113
1 February-3 April 1995	IBG 2	
7-16 February 1995	BW 20/UNSCOM	111
4-17 February 1995	BW 21/UNSCOM	112
12-18 March 1995	BW 23/UNSCOM	115
24 March-6 April 1995	BW 24/UNSCOM	116
4 April-7 August 1995	BG 1	
27 April-16 May 1995	BW 25/UNSCOM	118
17-23 July 1995	BW 26/UNSCOM	121
8 August-9 November 1995	BG2	
22-31 August 1995	BW 27/UNSCOM	125
27 September-11 October 1995	BW 28/UNSCOM	126

5-17 December 1995	BW 29/UNSCOM 127
12-18 January 1996	BW 30/UNSCOM 133
23-30 January 1996	BW 32/UNSCOM 136
24 February-1 March 1996	BW 33/UNSCOM 139

Ballistic missiles

30 June-7 July 1991	BM 1/UNSCOM 3
18-20 July 1991	BM 2/UNSCOM 10
8-15 August 1991	BM 3/UNSCOM 8
6-13 September 1991	BM 4/UNSCOM 13
1-9 October 1991	BM 5/UNSCOM 18
1-9 December 1991	BM 6/UNSCOM 23
9-17 December 1991	BM 7/UNSCOM 24
21-29 February 1992	BM 8/UNSCOM 28
21-29 March 1992	BM 9/UNSCOM 31
13-21 April 1992	BM 10/UNSCOM 34
14-22 May 1992	BM 11/UNSCOM 36
11-29 July 1992	BM 12/UNSCOM 40A+B
7-18 August 1992	BM 13/UNSCOM 42
16-30 October 1992	BM 14/UNSCOM 45
25 January-23 March 1993	IMT1a/UNSCOM 48
12-21 February 1993	BM 15/UNSCOM 50
22-23 February 1993	BM 16/UNSCOM 51
27 March-17 May 1993	IMT1b/UNSCOM 54
5-28 June 1993	IMT1c/UNSCOM 57
10-11 July 1993	BM 17/UNSCOM 60
24 August-15 September 1993	BM 18/UNSCOM 62
28 September-1 November 1993	BM 19/UNSCOM 63
21-29 January 1994	BM 20/UNSCOM 66
17-25 February 1994	BM 21/UNSCOM 69
30 March-20 May 1994	BM 22/UNSCOM 71
20 May-8 June 1994	BM 23/UNSCOM 79
10-24 June 1994	BM 24/UNSCOM 80
14-22 June 1994	BM 25/UNSCOM 81
3-28 July 1994	BM 26/UNSCOM 82
15-24 July 1994	BM 27/UNSCOM 85
17 August-9 October 1994	MG 1
2-6 October 1994	BM 28/UNSCOM 98A
23-28 October 1994	BM 28/UNSCOM 98B
14 October 1994-21 February 1995	MG 2
19-22 October 1994	MG 2A
2-6 December 1994	MG 2B
9-14 December 1994	BM 29/UNSCOM 101
9-16 December 1994	BM 30/UNSCOM 102
27-31 January 1995	MG 2C

22 February-30 May 1995	MG 3
6-14 March 1995	BM 31/UNSCOM 103
25 May-1 June 1995	BM 32/UNSCOM 100
30 May-27 August 1995	MG 4
25-30 July 1995	BM 33/UNSCOM 122
20-24 August 1995	MG 4A
27 August-12 November 1995	MG 5
27 September-1 October 1995	BM 34/UNSCOM 123
16 November 1995-13 February 1996	MG 6
9-15 December 1995	BM 36/UNSCOM 130
14-17 December 1995	MG 6A
14-18 January 1996	BM 35/UNSCOM 120
1-5 February 1996	FFCD/M 1 Mission
14 February-11 March 1996	MG 7
5-7 March 1996	Expert Mission
8-17 March 1996	BM 39/UNSCOM 143
20-23 March 1996	FFCD/M 2 Mission
25 March-2 April 1996	BM 37/UNSCOM 137
2-6 April 1996	BM 40/UNSCOM 144

Computer search

12 February 1992	UNSCOM 30

Export/import mission

22 April-6 May 1995	UNSCOM 119

Special missions

30 June-3 July 1991
11-14 August 1991
4-6 October 1991
11-15 November 1991
27-30 January 1992
21-24 February 1992
17-19 July 1992
28-29 July 1992
6-12 September 1992
4-9 November 1992
4-8 November 1992
12-18 March 1993
14-20 March 1993
19-24 April 1993
4 June-5 July 1993
15-19 July 1993

25 July-5 August 1993
9-12 August 1993
10-24 September 1993
27 September-1 October 1993
1-8 October 1993
5 October-15 February 1994
2-10 December 1993
2-16 December 1993
21-27 January 1994
2-6 February 1994
10-14 April 1994
24-26 April 1994
28-29 May 1994
4-6 July 1994
8-16 August 1994
15-19 September 1994
21-25 September 1994
23-26 September 1994
3-6 October 1994
4-20 November 1994
7-12 November 1994
14-17 November 1994
4-18 December 1994
14-20 December 1994
7-31 January 1995
7-21 January 1995
13-26 January 1995
13-16 March 1995
12-28 January 1995
23 January-14 February 1995
25 January-4 February 1995
19-23 February 1995
22-28 February 1995
28 February-18 March 1995
16-29 March 1995
24-27 March 1995
4-23 May 1995
14-17 May 1995
29 May-1 June 1995
19-22 June 1995
22 June-2 July 1995
30 June-2 July 1995
2-10 July 1995
4-6 August 1995
7-12 August 1995
17-20 August 1995

24 August-2 September 1995
24 August-18 September 1995
5-14 September 1995
17-20 September 1995
29 September-1 October 1995
19-25 October 1995
24-26 November 1995
27-29 November 1995
29 November-3 December 1995
26-30 December 1995
7-10 March 1996

UNITED
NATIONS

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Security Council

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S/1996/259
10 April 1996
ENGLISH
ORIGINAL: ENGLISH AND RUSSIAN

LETTER DATED 10 APRIL 1996 FROM THE PERMANENT REPRESENTATIVES OF FINLAND AND THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

At the request of the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe, we have the honour to transmit the text of their letter of 9 April 1996 addressed to you, in the English and Russian languages (see annex).

Please have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) F. W. BREITENSTEIN
Ambassador
Permanent Representative
of Finland to the United Nations

(Signed) S. LAVROV
Ambassador
Permanent Representative
of the Russian Federation
to the United Nations

Annex

[Original: English and Russian]

Letter dated 9 April 1996 from the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe addressed to the President of the Security Council

Pursuant to the decisions of the United Nations Security Council after consultations with the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), we are submitting a progress report on the Minsk process and the efforts undertaken within its framework for the peaceful resolution of the Nagorny Karabakh conflict.

Acting on the basis of the OSCE Budapest Summit decision of 6 December 1994, the Co-Chairmen of the OSCE Minsk Conference continued to promote the observation of the cease-fire, the conclusion of the political agreement on the cessation of the armed conflict and the implementation of confidence-building measures, particularly in the humanitarian field. In their activities the Co-Chairmen relied upon the support and cooperation of the members of the Minsk Group, coordinating and harmonizing their individual efforts.

The parties to the conflict have, on the whole, been observing the cease-fire established on 12 May 1994. The number of armed incidents have lately been reduced substantially though the mechanism of their settlement agreed upon on 6 February 1995 was not utilized properly. The parties have repeatedly confirmed their commitment to continue the observation of the cease-fire.

During the period that has elapsed since the last report, the Co-Chairmen undertook measures to intensify the negotiation process. Several rounds of talks between the three conflicting parties (Armenia, Azerbaijan and Nagorny Karabakh) have taken place under the mediation of the Co-Chairmanship, during which the draft Agreement, including its annexes, has been covered in full and progress has been achieved in the agreement on the text.

The most important issues of the settlement, identified by the parties as the key issues, have been dealt with parallel to the work on the text of the draft Agreement. They are already reflected to a varying extent in the present text.

The Co-Chairmanship consistently proposed to the parties compromise approaches to the solution of the key problems of the settlement. Unofficial working material with "possible elements of a solution to key problems" was presented to the parties in July 1995. Last September the Co-Chairmen, accompanied by a number of the members of the Minsk Group, visited the region and conducted negotiations on the basis of the agreed points urging the parties to intensify and expedite the negotiating efforts. A number of proposals on specific issues were transmitted to the parties by the Co-Chairmen at the negotiation rounds.

On 18 October 1995, the Presidents of Finland and the Russian Federation sent a joint message to the Presidents of Armenia and Azerbaijan with an appeal to find mutually acceptable compromises in the work on the political agreement. The Co-Chairmen of the Minsk Conference conveyed this message to the leader of Nagorny Karabakh.

Based on the work thus far accomplished the outlines of a settlement are emerging. Among the issues that the parties have agreed to are the following:

- To settle all matters of dispute among themselves without the threat or use of force, but only by peaceful means, first and foremost through negotiations;

- Carrying out the military-technical measures to consolidate the cease-fire and cessation of hostilities, and ensuring the implementation of the provisions of the political agreement;

- The legal status of Nagorny Karabakh shall be elaborated on the basis of a mutually acceptable compromise, and determined at the OSCE Minsk Conference;

- Allowing the delivery of humanitarian aid to the territories that have been affected by the conflict;

- Safe, voluntary and balanced return of displaced persons and refugees, irrespective of their nationality, to their former places of permanent residence;

- Evacuation of the territories occupied in the course of the armed conflict;

- Establishment of local and regional security measures, including the safe and unimpeded access from Nagorny Karabakh to Armenia;

- Deployment of a multinational OSCE peace-keeping force to assist the implementation of the political agreement;

- Removal of obstacles to, and restoration of all normal links in the region.

It is evident, however, that no further progress can be made without major decisions being taken at the highest political level.

On 8 December 1995, the Ministerial Council of OSCE considered a report by the Co-Chairmen of the Minsk Conference. In its decision the Ministerial Council confirmed that the OSCE Minsk process remains the sole forum for the settlement of the Nagorny Karabakh conflict and supported the efforts of the Co-Chairmen of the Minsk Conference to achieve, in coordination with the Chairman-in-Office, a political agreement on the cessation of the armed conflict without any further delay. The Ministerial Council took note of the expressed readiness of the parties to address crucial issues with a view to reaching a compromise as soon as possible and welcomed the commitments expressed to

establish direct contacts, in coordination with the Co-Chairmanship, to achieve agreement on the principles governing the resolution of the conflict, and strongly urged that this be done quickly.

Direct contacts between Armenia and Azerbaijan began soon thereafter. They were expected to produce results.

Pursuant to the decision of the OSCE Ministerial Council, the Co-Chairmen planned an active schedule for 1996. Three rounds of negotiations have already taken place. However, the course of negotiations showed that the parties still did not display a readiness to conduct a constructive dialogue and search for compromises. The Co-Chairmen and the Minsk Group members expressed their concern with regard to the current state of the negotiations and expect the leadership of the parties to consider the prevailing situation.

To finalize the political agreement, certain aspects relating to the key issues, owing to their interdependent nature, have to be solved concurrently. A package deal on the most important elements of the key problems would constitute a breakthrough for rapid conclusion of the political agreement.

The Co-Chairmanship, after consulting other Minsk Group members, prepared a document entitled "Framework for a package solution". The package would include elements of all the key issues to be incorporated into the political agreement. Bearing in mind the importance which OSCE accords to the settlement of the Nagorny Karabakh conflict, the Chairman-in-Office of OSCE in connection with his trip to the region on 29 February-1 March 1996, presented the document to the parties. It contained an outline of a package solution which should in the immediate future be worked out and agreed in the negotiating process on the basis of the following commitments assumed by the parties:

- To evacuate all occupied territories;

- To ensure unimpeded access from Nagorny Karabakh to Armenia and vice versa;

- To provide for the security of Nagorny Karabakh and its population;

- Regarding the territorial integrity of Azerbaijan and the broadest possible self-rule for Nagorny Karabakh;

- Regarding the application to the population of Shusha and Shaumyan of the right of voluntary and safe return of all refugees and displaced persons to their former places of permanent residence;

- Regarding the observance of the norms of international humanitarian law;

- Regarding openness and transparency, and safeguarding mutual security in the region.

The Co-Chairmen intend to use the document entitled "Framework for a package solution" in the course of the negotiation process for further search

for compromise solutions in order to ensure an early conclusion of the agreement on the cessation of the armed conflict.

The Co-Chairmen have made several visits to the region for consultations at the highest level. Moreover representatives of some States members of the Minsk Group (Russian Federation, United States of America, Turkey) undertook individual trips to the region on a coordinated basis, in efforts to promote progress towards the political settlement.

Work with the parties aimed at reaching additional confidence-building measures continued, particularly in the humanitarian field. Through the efforts of the Co-Chairmanship and the Minsk Group, in cooperation with the International Committee of the Red Cross (ICRC), a considerable number of prisoners of war and detained persons have been released. However, the parties continue to hold many prisoners of war and deny the ICRC representatives the right to visit all persons detained in the course of the conflict. The Co-Chairmen will persist, together with ICRC, in pursuing the release of all such persons, and support the ICRC in its quest to clear up the problem of missing persons.

The Co-Chairmanship believes that the settlement of the conflict will pave the way for normalization of the situation in the region and will enable economic and social rehabilitation and the development of major cooperation projects in the region. The Co-Chairmen underline the continuous need for international humanitarian assistance.

On 7 March 1996, the OSCE Permanent Council heard a report by the Co-Chairmen on the situation with regard to the settlement of the Nagorny Karabakh conflict. Members of the Council spoke in favour of further intensification of the negotiation efforts.

The Co-Chairmen will persist in implementing their mandate, coordinating and harmonizing within the Minsk process all the efforts of the States members of the Minsk Group aimed at contributing to a peaceful settlement.

(Signed) H. TALVITIE
Co-Chairman of the OSCE
Minsk Conference

(Signed) V. LOZINSKY
Co-Chairman of the OSCE
Minsk Conference

UNITED
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General Assembly
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12 April 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 19
ADMISSION OF NEW MEMBERS TO
THE UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Identical letters dated 10 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to inform Your Excellency that the Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina met at the United Nations in New York today, 10 April 1996, to consider the problem arising from the recent publication of the United Nations document entitled "Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties" (ST/LEG/8). In particular the Contact Group raised serious concern over the language contained in paragraph 297, which may suggest that the Federal Republic of Yugoslavia (Serbia and Montenegro) has succeeded the former Socialist Federal Republic of Yugoslavia.

The States members of OIC have consistently maintained the position that, with the dissolution of the Socialist Federal Republic of Yugoslavia, that State had ceased to exist and that no individual State or entity of any kind represents the continuation of the Socialist Federal Republic of Yugoslavia. In fact, five successor States have emerged from the dissolution of the Socialist Federal Republic of Yugoslavia, each with equal rights and duties in respect of international law dealing with the succession of States. Thus, it is incumbent upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to apply for membership of the United Nations if it wishes to join this world Organization in the same manner as the other four successor States have been required to do.

This position of the OIC member States is fully consistent with relevant resolutions of the Security Council and the General Assembly, and the position of the Arbitration Commission of the International Conference on the Former Yugoslavia in the matter.

In this regard, the Security Council, in its resolution 777 (1992), stated that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". More recently, in its resolution 1022 (1995) of 22 November 1995, the Security Council again took the position with regard to the former Socialist Federal Republic of Yugoslavia that "... that State has ceased to exist".

On this issue, the General Assembly, responding to the recommendation of the Security Council in the latter's resolution 777 (1992), decided, in its resolution 47/1, that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations ...".

The position of the Arbitration Commission also stated that (see A/48/874-S/1994/189, annex) the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents its continuation. In opinion number 8 of 4 July 1992, it concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia ... is now complete and that the Socialist Federal Republic of Yugoslavia no longer exists". In its opinion 10 of the same date the Commission took the position that "none of the resulting entities could claim to be the sole successor" to the Socialist Federal Republic of Yugoslavia, and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia".

Accordingly, the Contact Group strongly felt that the position taken in the document (ST/LEG/8, para. 297) is inconsistent with the above-mentioned resolutions of the Security Council and the General Assembly as well as with the opinions of the Arbitration Commission, and with their own position on the issue. Therefore it remains unacceptable and needs to be rectified by the Secretariat.

I would be grateful if you would kindly have the present letter circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(Signed) Aboubacar DIONE
Chargé d'affaires a.i.
Chairman a.i. of the
Organization of the
Islamic Conference
Contact Group on
Bosnia and Herzegovina